

312-115
SWAIN, T
part I

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
EVERBLACKS TOWAGE SERVICOS
MARITIMOS LDA,

ECF CASE

Plaintiff,

-against-

08 Civ.

GRUPO TMM S.A. and SERVICIOS MEXICANOS
EN REMOLCADORES S.A. DE C.V.,

Defendants.
-----X

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| USDC SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: _____ |
| DATE FILED: 07/16/08 |

**EX PARTE ORDER FOR PROCESS OF MARITIME
ATTACHMENT AND GARNISHMENT**

WHEREAS, on July 15 2008, plaintiff, EVERBLACKS TOWAGE SERVICOS MARITIMOS LDA ("EVERBLACKS"), filed the Verified Complaint herein for damages amounting to \$484,313.04, inclusive of interest, costs, and reasonable attorneys' fees, and praying for the issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Admiralty Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules and Civil Procedure, and

WHEREAS, the Process of Maritime Attachment and Garnishment would command that the United States Marshal or other designated process server attach any and all of defendants' tangible and intangible property within the District of this Court, and

WHEREAS, the Court has reviewed the Verified Complaint and Rule B(1) Affirmation and the conditions of Supplemental Admiralty Rule B appearing to exist, it is hereby

ORDERED, that Process of Maritime Attachment and Garnishment shall issue against all tangible and intangible property of defendants in this District, and if such property cannot be found, against other tangible or intangible property, credit and effects, claimed by or being held

for the defendants by any garnishees within this District, including the garnishees listed in Attachment "A" to the Process of Maritime Attachment and Garnishment and/or any other garnishee(s) on whom a copy of the Ex Parte Order for Process of Attachment and Garnishment in an amount up to and including \$484,313.04 pursuant to Rule B of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure; and it is further

ORDERED, that any person claiming an interest in the property attached or garnished pursuant to said Order shall, upon application to the Court, be entitled to a prompt hearing at which the plaintiff shall be required to show cause why the attachment and garnishment should not be vacated or other relief granted; and it is further

ORDERED, that supplemental process enforcing the Court's Ex Parte Order for Process of Maritime Attachment and Garnishment may be issued by the Clerk upon application of the plaintiff without further Order of the Court; and it is further

ORDERED, that a copy of this Ex Parte Order be attached to and served with said Process of Maritime Attachment and Garnishment; and it is further

ORDERED, that following initial service upon any garnishee by the United States Marshal or any other person designated by Order to make service in this action, supplemental service of the Process of Maritime Attachment and Garnishment may thereafter be made by way of facsimile transmission or other verifiable electronic means, including e-mail, to each garnishee so personally served; and it is further

ORDERED, that service on any garnishee herein is deemed to be effective and continuous service throughout the remainder of the day upon which such service is made, commencing from the time of such service through the close of the garnishee's business the next

business day.

Dated: New York, New York
July 15, 2008

SO ORDERED:



U.S.D.J.

LAURA TAYLOR SWAIN U.S.D.J.

Part I

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ATTACHMENT "A"

Citibank
399 Park Avenue
New York, NY 10022

Bank of America
c/o Zeichner, Ellman & Krause LLP
575 Lexington Avenue
New York, NY 10002

Bank of New York
1 Wall Street
New York, NY 10286

JP Morgan Chase Bank
One Chase Manhattan Plaza
New York, NY

HSBC (USA)
120 Broadway
New York, NY

Wachovia Bank
360 Madison Avenue
New York, NY 10017

Barclay's Bank
200 Park Avenue
New York, NY 10166

Standard Chartered Bank
1 Madison Avenue
New York, NY 10010

Deutsche Bank
60 Wall Street
New York, NY 10006

Fortis Bank S.A./N.V. - New York Branch
520 Madison Avenue
New York, NY 10022-4213

UBS
299 Park Avenue
New York, NY 10171

ABN Amro Bank NV
Park Avenue Plaza
55 East 52 Street
New York, NY 10055

Credit Suisse
Eleven Madison Avenue
New York, NY 10010-3629

Royal Bank of Scotland
101 Park Avenue
New York, NY 10178

American Express Bank Ltd.
c/o Zeichner, Ellman & Krause LLP
575 Lexington Avenue, 10th Floor
New York, New York 10022

BNP Paribas Bank
787 7th Avenue
New York, NY 10019

Societe Generale Bank
1221 Avenue of Americas
New York, NY 10020